GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Department – Sri Jukunta Sasi Bindu, Asst. Director of Agriculture ® Pamarru, O/o. ADA® Pamarru, Krishna district Trapped by Anti Corruption Bureau on 7.4.2017 - Final Report Submitted by Anti Corruption Bureau – Examined – Orders – Issued

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AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT

G.O.RT.No. 422 **Dated: 12-06-2018**
Read the following

1) Message Received at 4.25pm on 10-04-2017 from the DSP of Anti-Corruption Bureau, Vijayawada Range, Vijayawada.
2) From the Dir of Agrl, AP, Guntur Pro.No.Vig.I (1)51/2017 Dt: 17-04-2017
3) Preliminary report from the DG, ACB, Vijayawada, Lr.Rc.No.57/RCT.VKI/2017-S.9 , dated:5.5.2017.
4. Representation of Sri J. Sasi Bindu, ADA®(U/s).dt.20.1.2018 and Dt.3.4.2018
5) From the DG, ACB, Vijayawada,Lr.Rc.No.57/RCT.VKI/2017-S.9 dated:14.05.2018.
6. Govt. Memo. No.AGST.30021/16/2017, dated:22.5.2018.

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ORDER:-

In the reference 3rd read above the Director General, A.C.B,A.P., Vijayawada has submitted his preliminary report stating that the Accused Officer Smt Jukunta.Sasi Bindu, Assistant Director of Agriculture ® , O/o ADA, Pamarru, Krishna District was trapped on 6-4-2017 when she demanded and accepted bribe amount of Rs.5,000/- from the complainant Sri T.Jagadeesh, Businessmen, R/o Chowadarpet, Pamarru, Krishna District for doing an official favour i.e to recommend and forward the file of Sri Krishnaveni Seeds and Fertilisers, Pamarru for renewal of Pesticides License file which is on his mother's name. The Accused Officer was arrested on 6-4-2017 and produced before the Special Judge for SPE & ACB cases, Vijawada on 7-4-2017 and she was remanded to Judicial custody up to 21-04-2017. She was released on bail on 28-04-2017. The Accused Officer was also placed under suspension by the Director of Agriculture vide proceedings 2nd read above taking into consideration of the request of the DSP, Vijayawada Range vide ref 1st read above w.e.f 7.4.2017. The Accused officer has submitted a representations vide ref 4th read above explaining her innocence to lead the trap and requested the Govt to drop further action against her besides her reinstatement into service by revocation of her suspension. Subsequently she was reinstated vide ref 6th read above.

2. In the ref 5th read above the DG, A.C.B has submitted its final report. Where in has stated that the oral and documentary evidence available on record is sufficient to substantiate the allegation of demand and acceptance of bribe amount of Rs.5,000/- by Accused Officer from the complainant for showing official favour i.e to recommend and forward the pesticide shop license renewal file of M/s Krishnaveni Seeds and Fertilisers, Pamarru is held substantiated and punishable under Section 7 and 13(2) r/w 13(1)(d) of the P.C.Act, 1988. The DG, A.C.B has recommended to prosecute the Accused Officer in a Court of law u/s 7 and 13(2) r/w 13(1(d) of the P.C.Act, 1988 and requested the Govt to accord sanction order to prosecute Smt J.Sasi Bindu, Assistant Director of Agriculture in a Court of law.

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3. The Government have examined the report of the DG, A.C.B, AP, Vijayawada taking into consideration of the material on record and observed the following:

i. There is no substantive evidence of either initial "demand or further demand of bribe by the Accused Officer except the statement of complainant. His self-serving cannot be relied upon as he is interested-witness.

ii. The complainant had a cause to bear enmity against the Accused Officer since she issued a proceedings dated:27-01-2016 cancelling the Licence of M/s Krishnaveni Seeds and Fertilisers, Pamarru, which was owned by complainant's mother.

iii. The ACB does not seem to have checked the background of the complainant whether he was having any grouse against the Accused Officer. Had they done so, they would have come to know about the cancellation of license of complainants mothers Firm by the Accused Officer on the grounds of violation of FCO, 1985.

iv. The ACB also does not seem to have verified the reputation of Accused Officer whether there were any complaints of "Corrupt Practices" against her in the past. Had they done so, they would have come to know of her clean track record. The ACB seems to have relied totally on what the complainant said without verifying his background and the Accused Officers reputation and the possibility of complainant's intention to falsely implicate the Accused Officer.

v. The Officer of the AD(Agriculture) is stated to be a single room where Accused Officer shares with Junior Assistant, the Block Technology Manager and the Multi-Purpose Extension Officer and she has not separate room to sit. As seen from ACB's report all the above persons viz junior Assistant, Block Technology Manager and Multi Purpose Extension Officer have stated that they did not notice what has transpired between the Accused Officer and the Complainant whereas the ACBs report says that according to the complainant there was a further demand of bribe by the Accused Officer, acceptance of bribe amount , counting of the tainted notes, placing the notes in Attendance Register in the Almarah." The Statement of Junior Assistant, BTM and MPEO through all of them were present in the same room i.e the scene of offence.

vi. There are no accompanying witnesses/shadow to corroborate the evidence of demand, further demand and acceptance of bribe by the Accused Officer.

vii. The Accused officer (Assistant Director of Agriculture) has no power to do any official favour to the complainant since such power vests with the Joint Direct of Agriculture only. According to Section 7 of the P.C.Act, 1988, the Accused Officer must be doing any official favour.

viii. With all the above infirmities it may not be possible to prosecute the Accused Officer in a Criminal Court, since a criminal court needs higher level of proof and evidence beyond all reasonable doubt.

ix. In the absence of evidence beyond any reasonable doubt "demand and acceptance of bribe", the evidence of a cause for complainant's grouse against the Accused Officer, the good reputation of Accused officer, the recovery of "tainted amount" from the Open Almarah in the Office room to which the complainant had easy access to plant the tainted money, all points to a doubt whether this could be a case of falsely implicating the Accused Officer to wreak vengeance.

4. The government after considering the above facts of the case and decided that it is not a fit case to sanction prosecution orders to prosecute the Accused Officer in a Court of Law under section 7 and 13(2) r/w 13(1)(d) P.C Act 1988 and the ends of justice would be met by initiating Departmental proceedings against the individual under APCS (CCA) Rules 1991.

5. Accordingly, the Government hereby order to initiate Disciplinary Proceedings against Smt. J. Sasi Bindu, ADA (R), Pamarru under APCS (CCA) Rules 1991 in the case.

6. The Director General, A.C.B,A.P., Vijayawada shall take necessary action and also requested to submit required material such as draft articles of charges, statement of imputation etc along with its enclosures thereon to Government for taking further action in the matter.

(**BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

B.RAJSEKHAR
SPECIAL CHEIF SECRETARY TO GOVERNMENT (FAC)

To
The Director General, A.C.B,
A.P., Vijayawada.

//FORWARDED BY ORDER//

SECTION OFFICER